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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,705	12/29/2005	Klaus Behringer	32860-000969/US	3728

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HARNESSE, DICKEY & PIERCE, P.L.C.
P.O.BOX 8910
RESTON, VA 20195

EXAMINER

BAHTA, KIDEST

ART UNIT	PAPER NUMBER
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2123

MAIL DATE	DELIVERY MODE
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06/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/562,705	BEHRINGER, KLAUS	
	Examiner	Art Unit	
	KIDEST BAHTA	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/31/06</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jerome et al. (US 4,510,602) in view of Thomas et al. (US 5,623,680).

Regarding claims 1 and 21, Jerome discloses 21. (New) A control device, comprising: input means for respectively receiving an input real value (column 4, lines 61-68); output means for respectively outputting a digital output value; memory means for storing setpoint values relating to the inputs and outputs (column 5, lines 4-16); and allocation means for allocating a digital output value to one of the digital outputs as a function of a comparison of at least one of the input real values with a corresponding setpoint value, the setpoint values respectively including one of the state values 1, 0 and independence state value (column 4, lines 31-61), applicable to at least one of the setpoint values in the memory means (column 2, lines 50-53; column 6, lines 37-48; column 5, lines 31-47).

Jerome fails to disclose the allocation of a digital output value to one of the digital outputs being capable of being carried out by the allocation means independently of the at least one input real value whose allocated setpoint value includes the independence state value.

Thomas discloses the allocation of a digital output value to one of the digital outputs being capable of being carried out by the allocation means independently of the at least one input real value whose allocated setpoint value includes the independence state value (column 6, lines 24-46; column 3, lines 1-3, column 4, lines 45-50; Fig. 6).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Jerome and Thomas since a plurality of peripheral decentralized units are provided for arithmetic operations, comparisons, and counting operations without interfering with or delaying the execution of a principal program stored in the memories.

Regarding claims 2, 3 and 16-17, Thomas discloses a plurality of sets of setpoint values are respectively being storable for an output value or set of output values in the memory and a plurality of sets of setpoint values are respectively being storable for an output value or set of output values in the memory (column 3, lines 54-column 4, line 11).

Regarding claims 4 and 5, Jerome discloses a plurality of set of setpoint values are respectively being storable for an output value or set of output values in the memory (column 5, lines 28-58).

Regarding claims 10, 16-20, Jerome discloses a plurality of sets of setpoint values are respectively provided for an output value or set of output values (column 4, lines 32-61).

Regarding claims 6-7, and 12-13,18, Thomas discloses the safety instrument switches to the safety state if the input real values deviate from the corresponding setpoint values for more than a predetermined time; the sets of setpoint values are checked with a check sum at fixed time intervals (column 7, lines 32-35; column 6, lines 24-46).

Allowable Subject Matter

3. Claims 8-9 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kidest Bahta whose telephone number is 571-272-3737. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2123

Information regarding the status of an application may be obtained from the Patent Application information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAG system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kideest Bahta/

Primary Examiner, Art Unit 2123